

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

SOUTHWEST AIRLINES CO.	§	
	§	
VS.	§	CIVIL ACTION NO.
	§	
BOARDFIRST, L.L.C.	§	3:06-CV-0891-B

STIPULATION OF DISMISSAL

Plaintiff, Southwest Airlines Co. (“Southwest”) and BoardFirst, L.L.C. (“BoardFirst”) file this stipulation of dismissal pursuant to Federal Rules of Civil Procedure 41(a)(1)(ii).

1. Southwest filed suit against BoardFirst seeking monetary damages and injunctive relief for breach of contract, violation of the Computer Fraud and Abuse Act (18 U.S.C. § 1030), unfair competition and trademark in violation of the Lanham Act, violation of the Texas Harmful Access by Computer Act (TEX. REV. CIV. PRAC. ANN. § 143.001), trespass, and unjust enrichment.

2. BoardFirst counterclaimed against Southwest for tortious interference with contract.

3. Southwest moves to dismiss its claims for violation of the Computer Fraud and Abuse Act (18 U.S.C. § 1030), unfair competition and trademark in violation of the Lanham Act, violation of the Texas Harmful Access by Computer Act (TEX. REV. CIV. PRAC. ANN. § 143.001), trespass, and unjust enrichment.

4. BoardFirst moves to dismiss its claims for tortious interference with contract.

5. This case is not a class action nor has a receiver been appointed.

6. Neither party has dismissed a prior action based on or including the same claims presented in this suit.

7. This dismissal is with prejudice.

Respectfully submitted,

By: s/ Jonathan C. LaMendola

RAMONA MARTINEZ

Attorney-in-Charge

Texas Bar No. 13144010

JONATHAN C. LaMENDOLA

Texas Bar No. 00792637

COWLES & THOMPSON, P.C.

901 Main Street, Suite 4000

Dallas, TX 75202-3793

(214) 672-2000

(214) 672-2020 (Fax)

-and-

CYNTHIA S. BUHR

State Bar No. 03458200

SOUTHWEST AIRLINES CO.

P.O. Box 36611

2702 Love Field Drive

Dallas, TX 75235-1611

(214) 792-6144

(214) 792-6200 (Fax)

ATTORNEYS FOR PLAINTIFF

By: s/ with permission James O. Bell

JAMES O. BELL

Admitted Pro Hac Vice

Arizona Bar No. 023584

SPIESS & ASSOCIATES, P.C.

420 West Roosevelt Street

Phoenix, AZ 85003

(602) 254-8100

(602) 254-3015 (Fax)

-and-

ELIZANN CARROLL

Texas Bar No. 00787209

THE RICHARD LAW GROUP, INC.

8411 Preston Road, Suite 890

Dallas, TX 75225

(214) 206-4310

(214) 206.4330 (Fax)

ATTORNEYS FOR DEFENDANT